

1-1 By: Ellis S.B. No. 451
1-2 (In the Senate - Filed January 31, 2011; February 14, 2011,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; May 2, 2011, reported favorably by the
1-5 following vote: Yeas 3, Nays 1; May 2, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to death benefits for eligible survivors of certain Texas
1-9 National Guard members.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle C, Title 4, Government Code, is amended
1-12 by adding Chapter 437 to read as follows:

1-13 CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD
1-14 MEMBERS

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 437.001. DEFINITION. In this chapter, "eligible
1-17 survivor" means a person eligible to receive benefits under this
1-18 chapter.

1-19 Sec. 437.002. APPLICABILITY. This chapter applies only to
1-20 eligible survivors of a Texas National Guard member who died after
1-21 September 11, 2001, while:

1-22 (1) on federal active duty under Title 10, United
1-23 States Code; or

1-24 (2) serving in a named military operation on active
1-25 duty under state authority in accordance with Title 32, United
1-26 States Code.

1-27 Sec. 437.003. ADDITIONAL BENEFIT. The benefit provided
1-28 under this chapter is in addition to any other benefit provided
1-29 under state or federal law.

1-30 [Sections 437.004-437.050 reserved for expansion]

1-31 SUBCHAPTER B. ADMINISTRATION OF CHAPTER

1-32 Sec. 437.051. ADJUTANT GENERAL. The adjutant general shall
1-33 administer this chapter for the payment of benefits to eligible
1-34 survivors of Texas National Guard members.

1-35 Sec. 437.052. RULES. The adjutant general shall adopt
1-36 rules to administer this chapter, including rules and procedures
1-37 for making and proving a claim, appealing decisions, and receiving
1-38 benefits under this chapter.

1-39 Sec. 437.053. GIFTS; GRANTS. The adjutant general may
1-40 accept gifts and grants to make payments under this chapter.

1-41 Sec. 437.054. CERTIFICATION TO COMPTROLLER. The adjutant
1-42 general shall certify to the comptroller:

1-43 (1) the name of each eligible survivor who will be paid
1-44 a benefit under this chapter; and

1-45 (2) the amount of the benefit to be paid to each
1-46 eligible survivor under this chapter from funds specifically
1-47 appropriated to the adjutant general for that purpose.

1-48 [Sections 437.055-437.100 reserved for expansion]

1-49 SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

1-50 Sec. 437.101. ELIGIBILITY. (a) In this section, "heirs"
1-51 has the meaning assigned by Section 3, Texas Probate Code.

1-52 (b) An eligible survivor is a person designated as a
1-53 beneficiary on the deceased Texas National Guard member's group
1-54 life insurance program under 38 U.S.C. Section 1965 et seq.

1-55 (c) If there is not a beneficiary for the Texas National
1-56 Guard member under Subsection (b), the eligible survivors are the
1-57 heirs.

1-58 Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) The state
1-59 shall pay \$250,000 to the eligible survivor of a Texas National
1-60 Guard member or the appropriate pro rata portion of that amount to
1-61 the eligible survivors of the member. The state shall pay the
1-62 benefits in two equal installments.

1-63 (b) The state is required to make payments under this
1-64 section only to the extent that the legislature specifically

2-1 appropriates money for that purpose.

2-2 Sec. 437.103. APPLICATION FOR BENEFITS. An eligible
2-3 survivor must apply for benefits in accordance with rules adopted
2-4 under this chapter.

2-5 SECTION 2. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2011.

* * * * *

2-10